

139. PROCESSING OF PROPERTY SEIZED FOR ADMINISTRATIVE FORFEITURE



RICHFIELD POLICE DEPARTMENT POLICY

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Authority: Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this Policy is to establish guidelines for narcotic forfeiture and procedures for handling seized money, vehicles, firearms and other property.

II. POLICY

It shall be the policy of the Richfield Police Department that all employees of the agency, all employees assigned to another law enforcement agency's task force and all employees assigned from an outside law enforcement agency to a task force in which this agency serves as the fiscal agent, shall follow all state and federal laws pertaining to the processing of property seized for forfeiture.

III. DEFINITIONS

CASH: Money in the form of bills or coins, traveler's check, money order, checks or other forms of electronic money or stored value cards, including but not limited to gift cards, debit cards, gift cards/certificates or other negotiable financial instruments.

CONVEYANCE DEVICE: A device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property, which is in fact, itself stolen or taken in violation of the law.

FIREARMS/AMMUNITION/FIREARM ACCESSORIES: A device that projects either single or multiple projectiles at high velocity. Ammunition is a term meaning the assembly of a projectile and its propellant. Accessories include but are not limited to holsters, gun cases, fire arm optics, suppression devices, cleaning supplies, etc.

FORFEITURE: The process by which legal ownership of an asset is transferred to a government or other authority.

JEWELRY/PRECIOUS METALS/PRECIOUS STONES: The term "precious metals/precious stones" includes items of jewelry, such as rings, necklaces, and watches, that reasonably appear to be made of precious metals or precious stones. Precious metals include but are not limited to gold, silver, platinum, iridium, and palladium. Precious stones often referred to as gemstones, include but are not limited to diamonds, emeralds, and rubies.

FORFEITURE/SEIZED PROPERTY REVIEWER: The Administrative Lieutenant is responsible for reviewing all forfeiture cases and is the liaison between the Police Department and prosecutor's office.

SEIZURE: The act of law enforcement officials taking property, including cash, vehicles, etc. that has been used in connection with or acquired by illegal activities.

IV. PROCEDURE

SEIZED PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE

The following property may be seized and is presumed under MN STAT 609.5314 to be subject to administrative forfeiture if the item has a retail value of \$50,000.00 or less:

- 1) All money, precious metals, and precious stones found in proximity to:
 - a) Controlled substances (retail value of \$100.00 or more)
 - b) Forfeiture drug manufacturing or distributing equipment or devices; or
 - c) Forfeiture records of manufacture or distribution of controlled substances.

Cash shall be recounted and the amount verified by another employee of the Police Department. The money envelope and/or inventory receipt shall then be co-signed when cash is involved.

All forfeitable cash seized will be counted and property inventoried as soon as possible after seizure.

Police officers shall document the recovery of all buy funds and deposit those funds back into the appropriate buy fund account.

Police officers seizing cash shall also prepare a property inventory. If cash is seized from multiple individuals, a property inventory receipt will be completed for each individual. The property inventory receipt shall specify the total amount of cash seized from each individual. The agency property inventory shall also contain a detailed description of all checks, money orders and/or travelers checks or other financial instruments.

Police officers seizing jewelry, precious metals, and/or stones will write a detailed description of each item on the property inventory receipt prior to inventorying the items. A copy of the property inventory receipts and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Investigative Lieutenant.

Police officers seizing jewelry, precious metals, and/or precious stones shall deliver those items to the property/evidence room as soon as practicably possible.

The police officer conducting the seizure shall provide a copy of the completed property inventory receipt to the Investigative Lieutenant.

It is the seizing police officer's responsibility to secure the cash consistent with the Department Policy or procedures.

- 2) All conveyance devices containing controlled substances with retail value of \$100.00 or more if possession or sale of the controlled substance would be a felony under Chapter 152.
 - a) Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to the approved impound facility.
 - b) Police officers shall inventory the conveyance device and its contents in accordance with Department Policy. Police officers shall also complete applicable report forms and distribute them appropriately.
- 3) All firearms, ammunition, and firearm accessories found:
 - a) In conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
 - b) On or in proximity to a person from whom a felony amount of controlled substance is seized;
or

- c) On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under Chapter 152.

When firearms, ammunition, or firearms accessories are seized, they shall be inventoried and delivered to the property/evidence room as per Department policy/procedures.

Seizure of property not listed above must be processed in coordination with and approved by the unit supervisor.

PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When any property as described in the above section is seized, the police officer making the seizure must prepare the following:

- 1) The proper Notice of Seizure and Intent to Forfeit Property form. This form must be completed to include the following:
 - a) A list describing each item seized,
 - b) The name of the individual served with the Notice,
 - c) Location,
 - d) And the date of seizure.

Administrative forfeiture notices are NOT to be given for assets seized under MN STAT 609.5314 if the retail value of the asset exceeds \$50,000.00.

- 2) A receipt for the item(s) seized.

The Notice form also contains information in English, Hmong, Somali and Spanish concerning the right to obtain judicial review and the procedure under MN STAT 609.5314 to follow to obtain it. The form must be dated and signed by the police officer conducting the seizure. An agency case number must be included on the form. The individual from whom property is seized must be given an opportunity to sign the seizure notice form. If the person refuses, the police officer conducting the seizure must check the appropriate box indicating the refusal to sign. If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the seizure form must be given to the individual served.

All property subject to and being processed for forfeiture through the agency must be held in the custody of the agency.

The police officer conducting the seizure shall forward the original and pink copy of the seizure notices, seized property processing worksheets, property receipts and reports to the Administrative Lieutenant immediately.

The police officer conducting the seizure shall inform the Investigative Lieutenant of the estimated retail value of drugs found in proximity to the asset seized.

CASE FILE STATUS


The Investigative Lieutenant will monitor vehicle seizures with the city and county attorneys. Other forfeitures that include money will be monitored by the case detective and Investigative Lieutenant.

REPORT WRITING

Police officers seizing property must complete a report. All reports must include a description of the items seized, where the property is turned in/stored, the name of the individual served, the date that the seizure form was served, the name of the serving police officer, and whether or not the individual signed the Notice of Seizure and Intent to Forfeit Property form.

All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible.

By Order Of:



Chief of Police

